

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

|                                   |   |                      |
|-----------------------------------|---|----------------------|
| DENNIS BAHAM,                     | ) |                      |
|                                   | ) |                      |
| Plaintiff,                        | ) |                      |
|                                   | ) |                      |
| v.                                | ) | Case No: 1:12-cv-132 |
|                                   | ) | <i>Lee</i>           |
| JOHNNY MCCLENDON, <i>et al.</i> , | ) |                      |
|                                   | ) |                      |
| Defendants.                       | ) |                      |

**ORDER**

Before the Court is a motion to dismiss prejudgment interest claims [Doc. 10] and a motion to compel [Doc. 13] filed by Defendants Johnny McClendon and C. Brown Trucking Company, Inc. Plaintiff has not filed a response in opposition to either of Defendants' motions, and the Court deems Plaintiff's failure to respond to the motions as a waiver of any opposition to the requested relief pursuant to E.D. Tenn. L.R. 7.2.

At a hearing held October 30, 2012 on the motion to compel, Defendants reported that Plaintiff had recently responded to the outstanding discovery requests mooted their motion to compel. Accordingly, the motion to compel [Doc. 13] is **DENIED AS MOOT**.

With respect to Defendants' motion to dismiss all prejudgment interest claims asserted in the complaint, it is well settled that prejudgment interest cannot be awarded in personal injury cases under Tennessee law. *See Francois v. Willis*, 205 S.W.3d 915, 916 (Tenn. Ct. App. 2006) ("One of the legal principles firmly embedded in our jurisprudence is that prejudgment interest is not available in personal injury cases."). Thus, and in the absence of any opposition from Plaintiff,

Defendants' motion to dismiss prejudgment interest claims [Doc. 10] is also **GRANTED** and the portion of Plaintiff's prayer for relief requesting prejudgment interest as damages in this case shall be stricken from the complaint.

SO ORDERED.

ENTER:

*s/ Susan K. Lee*  
SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE